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In re Application of
EDUARDO DIAZ DEL RIO PEREZ
Application No.: 10/553,663
PCT No.: PCT/IB04/01539
Int. Filing Date: 16 April 2004
Priority Date: 18 April 2003
Attorney's Docket No.: 576391-2003
For: EXPLOSION-INHIBITING ARTICLES OF:
MANUFACTURE

DECISION ON
PETITION
UNDER 37 CFR 1.47(b)

This is a decision on renewed petition under 37 CFR 1.47(b), filed 28 April 2008 to permit petitioner (applicant) to file the above-captioned application on behalf of the non-signing sole inventor, EDUAROD DIAZ DEL RIO PEREZ. Applicant requested a two month extension of time, which is granted.

BACKGROUND

On 09 November 2006, petitioner filed a petition requesting that the above-identified application be accepted under the provisions of 37 CFR 1.47(b). The petition was accompanied by a Statement of David M. McConoughey, regarding inventor Eduardo Diaz Del Rio Perez's refusal to sign the application, a declaration executed by the nonsigning inventor directed to the prior filed provisional application, and a copy of an Agreement executed by inventor Eduardo Diaz Del Rio Perez.

On 30 April 2007, a decision dismissing the petition was mailed indicating that applicant had not demonstrated with factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; had not submitted an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor; and had not submitted proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application.

On 30 October 2007, applicant filed a renewed petition under 37 CFR 1.47(b), which was dismissed in a decision mailed on 18 December 2007. On 28 December 2007, a decision dismissing the petition was mailed.

On 28 April 2008, a renewed petition was filed along with a statement under 37 CFR 3.73(b).

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by (1) the requisite petition fee, (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration

by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Petitioner previously satisfied Item (1), (2), (3), (4) and (6).

Regarding item (5), the 37 CFR 1.47(b) applicant previously proved that the invention has been assigned to the applicant. The assignment, attached to the petition, is between Eduardo Diaz Del Rio Perez and Fusaco IP Sarl. Counsel has demonstrated how this agreement is directed to the above referenced application. With the renewed petition, applicant has provided a statement under 37 CFR 3.73(b) by the assignee. Item (5) is now satisfied.

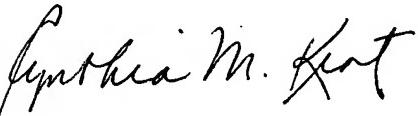
Accordingly, the petition under 37 CFR 1.47(b) is GRANTED.

CONCLUSION

The petition under 37 CFR §1.47(b) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(b) application using the declaration filed 30 October 2007. The application has an international filing date of 16 April 2004 under 35 U.S.C. 363, and a date of 30 October 2007 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



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Dear Mr. Diaz Del Rio Perez :

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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